

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

ELDON BUGG,

Appellant,

v.

CITY OF BOONVILLE, a Municipal Corporation,

Respondent.

DOCKET NUMBER WD74377

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 24, 2012

APPEAL FROM

The Circuit Court of Cooper County, Missouri
The Honorable Robert L. Koffman, Judge

JUDGES

Division Two: Mitchell, P.J., and Pfeiffer and Witt, JJ.

CONCURRING.

ATTORNEYS

Eldon Bugg
Boonville, MO

Appellant, *pro se*,

Louis J. Leonatti and Randall Baker
Mexico, MO

Attorneys for Respondent.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

ELDON BUGG,

Appellant,

v.

CITY OF BOONVILLE, a Municipal
Corporation,

Respondent.

OPINION FILED:
April 24, 2012

WD74377

Cooper County

Before Division Two Judges: Karen King Mitchell, Presiding Judge, and Mark D. Pfeiffer and Gary D. Witt, Judges

Eldon Bugg, a citizen and taxpayer of Boonville, Missouri, filed an action in Cooper County Circuit Court seeking a declaration that Boonville City Ordinance 4216 was void, as well as an injunction preventing any further action based upon the ordinance. Bugg put forth two reasons supporting his claim that the ordinance was void: first, he claimed that the ordinance was void because the bill upon which it was based, Bill 2010-015, failed to pass by a majority of *members* elected to the city council; and second, he claimed that one of the council members that voted in favor of the bill had a conflict of interest based upon a previous contract bid submitted, but withdrawn, before the bill was voted upon. Both Boonville and Bugg moved for summary judgment. The trial court granted summary judgment in favor of Boonville.

AFFIRMED.

Division Two holds:

We affirm the trial court's decision for the following reasons: First, Ordinance 4216 was validly enacted because the mayor was statutorily entitled to cast the tie-breaking vote, and her vote then created a majority voting in favor of passage of the bill that would become the ordinance. Second, Councilman Hombs was not operating under a conflict of interest, and, therefore, he was not precluded from voting in favor of the bill at the time the vote was called.

Opinion by: Karen King Mitchell, Presiding Judge

April 24, 2012

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